

A-Engrossed
Senate Bill 1031

Ordered by the Senate February 12
Including Senate Amendments dated February 12

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Environment and Natural Resources)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies requirements for siting destination resorts.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to destination resorts; amending ORS 197.455 and 197.460; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 197.455 is amended to read:

5 197.455. (1) A destination resort [*must be sited*] **may be sited only** on lands mapped as eligible
6 for destination resort siting by the affected county. The county may not allow destination resorts
7 approved pursuant to ORS 197.435 to 197.467 to be sited in any of the following areas:

8 (a) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or
9 more unless residential uses are limited to those necessary for the staff and management of the re-
10 sort.

11 (b)(A) On a site with 50 or more contiguous acres of unique or prime farmland identified and
12 mapped by the United States Natural Resources Conservation Service, or its predecessor agency.

13 (B) On a site within three miles of a high value crop area unless the resort complies with the
14 requirements of ORS 197.445 (6) in which case the resort may not be closer to a high value crop
15 area than one-half mile for each 25 units of overnight lodging or fraction thereof.

16 (c) On predominantly Cubic Foot Site Class 1 or 2 forestlands as determined by the State
17 Forestry Department, which are not subject to an approved goal exception.

18 (d) In the Columbia River Gorge National Scenic Area as defined by the Columbia River Gorge
19 National Scenic Act, P.L. 99-663.

20 [*e*] *In an especially sensitive big game habitat area as determined by the State Department of Fish*
21 *and Wildlife in July 1984 or as designated in an acknowledged comprehensive plan.*]

22 (e) **In an especially sensitive big game habitat area:**

23 (A) **As determined by the State Department of Fish and Wildlife in July 1984, and in ad-**
24 **ditional especially sensitive big game habitat areas designated by a county in an acknowl-**
25 **edged comprehensive plan; or**

26 (B) **If the State Fish and Wildlife Commission amends the 1984 determination with re-**
27 **spect to an entire county and the county amends its comprehensive plan to reflect the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **commission's subsequent determination, as designated in the acknowledged comprehensive**
2 **plan.**

3 **(f) On a site in which the lands are predominantly classified as being in Fire Regime**
4 **Condition Class 3, unless the county approves a wildfire protection plan that demonstrates**
5 **the site can be developed without being at a high overall risk of fire.**

6 (2) In carrying out subsection (1) of this section, a county shall adopt, as part of its compre-
7 hensive plan, a map consisting of eligible lands within the county. The map must be based on rea-
8 sonably available information and may be amended pursuant to ORS 197.610 to 197.625, but not more
9 frequently than once every 30 months. The county shall develop a process for collecting and pro-
10 cessing concurrently all map amendments made within a 30-month planning period. A map adopted
11 pursuant to this section shall be the sole basis for determining whether tracts of land are eligible
12 for destination resort siting pursuant to ORS 197.435 to 197.467.

13 **SECTION 2.** ORS 197.460 is amended to read:

14 197.460. A county shall [*insure*] **ensure** that a destination resort is compatible with the site and
15 adjacent land uses through the following measures:

16 (1) Important natural features, including habitat of threatened or endangered species, streams,
17 rivers and significant wetlands shall be retained. Riparian vegetation within 100 feet of streams,
18 rivers and significant wetlands shall be retained. Alteration of important natural features, including
19 placement of structures [*which*] **that** maintain the overall values of the feature may be allowed.

20 (2) Improvements and activities shall be located and designed to avoid or minimize adverse ef-
21 fects of the resort on uses on surrounding lands, particularly effects on intensive farming operations
22 in the area. At a minimum, measures to accomplish this shall include:

23 (a) Establishment and maintenance of buffers between the resort and adjacent land uses, in-
24 cluding natural vegetation and where appropriate, fences, berms, landscaped areas and other similar
25 types of buffers.

26 (b) Setbacks of structures and other improvements from adjacent land uses.

27 **(3) If the site is west of the summit of the Coast Range and within 10 miles of an urban**
28 **growth boundary, or if the site is east of the summit of the Coast Range and within 25 miles**
29 **of an urban growth boundary, the county shall require the applicant to submit an economic**
30 **impact analysis of the proposed development that includes analysis of the projected impacts**
31 **within the county and within cities whose urban growth boundaries are within the distance**
32 **specified in this subsection.**

33 **(4) If the site is west of the summit of the Coast Range and within 10 miles of an urban**
34 **growth boundary, or if the site is east of the summit of the Coast Range and within 25 miles**
35 **of an urban growth boundary, the county shall require the applicant to submit a traffic im-**
36 **portant analysis of the proposed development that includes measures to avoid or mitigate a**
37 **proportionate share of adverse effects of transportation on state highways and other trans-**
38 **portation facilities affected by the proposed development, including transportation facilities**
39 **in the county and in cities whose urban growth boundaries are within the distance specified**
40 **in this subsection.**

41 **SECTION 3.** This 2010 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect
43 on its passage.